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Compilation on Mali

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1,2]

2. In 2013, the Human Rights and Protection Division was established as a component of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). The Division has provided technical assistance to Mali in several areas, including for strengthening institutions.[3]

3. The United Nations country team welcomed the cooperation by Mali with the Independent Expert on the situation of human rights in Mali, who had made seven visits to the country. However, the country team regretted the lack of cooperation with other special procedures mandate holders who had expressed a desire to visit the country.[4]

4. The Committee on the Elimination of Discrimination against Women recommended that Mali adopt a four-year national action plan on the implementation of its most recent concluding observations.[5]

III. National human rights framework[6]

5. The country team noted that the Act establishing the National Human Rights Institution had been passed in 2016 and that the Office of the United Nations High Commissioner for Human Rights (OHCHR) had urged that it be strengthened.[7] The Independent Expert on the situation of human rights in Mali encouraged the National Human Rights Commission to take steps for its accreditation by the International Coordinating Committee (now the Global Alliance of National Human Rights Institutions).[8]

6. The country team welcomed the adoption in 2016 of the national policies on human rights and transitional justice, both of which were accompanied by a plan of action, and the establishment in 2017 of the Ministry of Human Rights and State Reform.[6]

7. The Secretary-General noted that, notwithstanding repeated delays, the completion of the establishment of the interim authorities in the northern regions had been a first step to the gradual restoration and extension of State authority in those regions.[7] Nonetheless, the gains made thus far towards the peace and stability of Mali had still not reached the stage where they were irreversible. He urged all stakeholders to redouble their efforts and collaborate in good faith towards the speedy and full implementation of the Agreement on Peace and Reconciliation.[8]

8. The Secretary-General stated that interim measures must be consolidated by longer-term institutional reforms, including the review of the Constitution. The absence of a comprehensive strategy for security sector reform needed to be addressed to allow for the disarmament, demobilization and reintegration of combatants, as well as their integration, and the redeployment of the reconstituted Malian defence and security forces across the country.[9]

9. The Secretary-General recommended that the signatory parties to the Agreement capitalize on the momentum generated by the establishment of the interim authorities to reinstate inclusive and accountable institutions, restore State authority throughout the country, including by re-establishing the rule of law, providing security and basic social services to the population and assisting in the recovery of the local economy, beginning with the swift launch of the mixed patrols in the Kidal and Timbuktu regions.[10]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[11]

10. The Committee on the Elimination of Discrimination against Women reiterated its concern at the persistence of adverse cultural practices and traditions, patriarchal attitudes and discriminatory stereotypes regarding the roles and responsibilities of women and men in society and in the family.[12]

11. The same Committee was deeply concerned that the progressive provisions on women's rights that had been included in the preliminary draft of the revised Personal and Family Code had been removed during the second reading in the National Assembly as a result of pressure from conservative and religious groups. The resulting Code contained many discriminatory provisions, including regarding succession, the different minimum age of marriage for girls and boys, payment of bride prices, polygamy and the requirement to obey one's husband.[13] The Committee recommended that Mali repeal all discriminatory provisions in the Personal and Family Code; enact comprehensive anti-discrimination law; initiate open and inclusive public debates and raise the awareness of parliamentarians of the importance of a comprehensive legal reform to achieve substantive equality of women and men.[14] The Committee also encouraged open and inclusive public debates regarding the diversity of interpretation with regard to Muslim family laws and practices, in order to combat justification of discrimination against women in the name of religion.[15]

2. Development, the environment, and business and human rights

12. The country team noted that an initiative had been launched to identify and recognize those international companies that voluntarily applied the law on the quota for women in the private sector in Mali (set at a minimum of 30 per cent).[16]

3. Human rights and counter-terrorism[20]

13. In 2016, the Independent Expert emphasized that the security situation as it related to extremist groups was highly complex, with multiple dimensions that went beyond the borders of Mali. The international community and countries in the region should improve cooperation arrangements in order to combat terrorism successfully.[21]

14. The Independent Expert noted that, in the course of counter-terrorism operations, the security forces had been reportedly involved in human rights violations, including arbitrary executions, inhuman and degrading treatment, torture, illegal detentions and rape.[22] He stated that the operationalization of the specialized judicial unit should open up new prospects for the fight against terrorism.[23]

B. Civil and political rights

1. Right to life, liberty and security of person[24]

15. In 2016, the Independent Expert was concerned that the security situation in Mali had deteriorated considerably with the resurgence of terrorist and asymmetric attacks in the regions of Mopti, Ségou and Gao.[25]

16. In 2017, the Independent Expert noted that the security situation in northern Mali was extremely volatile as fatal clashes had broken out between the groups that had signed the peace agreement. He also noted that the delay in its implementation had been due to the mistrust between the signatory parties.[26]

17. The Independent Expert was concerned about the insufficient presence of Malian security forces outside Bamako and the main cities. He stated that the weak security presence, coupled with widespread poverty and inequalities, had allowed terrorism to flourish. He recommended that the international community help Mali to develop a comprehensive, holistic approach to the issue of security.[27]

18. In 2017, the Secretary-General noted that the state of emergency had been extended to 31 October.[28]

19. The Independent Expert noted that the extremist groups increasingly often committed acts of violence against civilians. He was concerned that abductions and enforced disappearances attributed to armed groups in the northern regions persisted.[29] He deplored the rise in roadside checkpoints by armed groups and dissidents and the increasing number of attacks on people travelling, including theft of vehicles and the targeting of humanitarian workers.[30]

20. The Independent Expert was concerned about the sense of insecurity that was felt among communities. The State's inability to protect them favoured the emergence of self-defence groups and sometimes led the affected communities to seek the protection of jihadist groups.[31] He was also concerned at the conflicts between and within communities, which posed a threat to the peace process.[32] He noted reports of serious incidents, reprisals and tensions against communities suspected of supporting terrorist attacks,[33] and recommended that investigations be conducted[34] and that reconciliation forums continue to be held.[35]

21. MINUSMA and OHCHR were worried about the summary executions that had taken place during confrontations between armed groups and militias, and about the failure of the Malian armed forces, in some cases, to protect the population.[36] Moreover, the judicial authorities had not opened any investigations into those events.[37]

22. The Independent Expert was concerned at the growing number of detainees held incommunicado by the Malian security services and the international forces. He was also concerned that the Human Rights and Protection Division of MINUSMA continued to be refused access to the premises of those two entities, despite his repeated calls for such access to be granted.[38]

23. The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment noted that the rate of overcrowding was extremely

high and the problem was endemic in all the centres of detention visited. For example, the population of Bamako Central Prison was 300 per cent of capacity, and the ratio exceeded even 400 per cent in other prisons. It made a recommendation.[39]

24. The United Nations Educational, Scientific and Cultural Organization (UNESCO) was concerned at attacks against cultural heritage and expressions that occurred in Timbuktu in 2012. It stated that the deliberate destructions of landmark monuments and places of memory, and the prohibition and disruption of important cultural expressions and practices had caused significant damage to local communities.[40] UNESCO encouraged Mali to strengthen, in collaboration with OHCHR, the legal framework to ensure enhanced protection of victims of attacks against cultural heritage and expressions; and establish a national committee on culture, to promote a transversal approach when elaborating development policies and strategies.[41]

2. Administration of justice, including impunity and the rule of law[42]

25. MINUSMA and OHCHR pointed out that one of the consequences of the armed groups taking control was the flight of administrative personnel and government forces, which had left an administrative vacuum and consolidated the power of the armed groups.[43]

26. The Independent Expert noted that the effective capacity of the regional courts had been seriously hampered by a lack of material and human resources.[44]

27. The Independent Expert noted the involvement of traditional or religious "judges" who reviewed civil, judicial and religious matters in accordance with Islamic law in certain regions where there were no secular judicial authorities.[45] He urged all parties to the peace agreement to take measures to reassure and secure local populations and to allow the return of State authorities throughout the region as provided for in the peace agreement.[46] He also recommended that the international community provide financial and technical assistance to support the authorities in their efforts to build the capacity of the judiciary to meet its obligations.[47]

28. The country team, while noting that criminal trials had been held in 2016 and 2017, considered that no significant progress had been made in the fight against impunity for crimes involving members of the defence and security forces or armed groups.[48]

29. The Independent Expert remarked that the opening of the trial of Amadou Haya Sanogo and his co-accused had been an important milestone in the fight against impunity. The two men faced charges for their alleged role in the murder of the 21 "Red Berets" who disappeared in 2012.[49] However, he did not observe any progress in other judicial proceedings involving military personnel.[50] The country team noted that the Sanogo case had been suspended a few day after it opened.[51]

30. The Independent Expert stated that the Military Code did not comply with international human rights guarantees in a number of key areas.[52] Both the Independent Expert and the Committee on the Elimination of Discrimination against Women recommended that Mali complete the process of revising the Military Code.[53]

31. The Independent Expert noted the proceedings instituted in Timbuktu by victims of sexual violence, who had yet to see any progress. The distance to the only jurisdiction competent to consider such cases, which was located in the judicial unit on terrorism in Commune III of Bamako, remained a challenge.[54] The Independent Expert recommended that the Malian authorities take steps to ensure that the counter-terrorism unit of Commune III was operational outside the capital so as to enable victims to be heard and to exercise their right to justice.[55]

32. The Committee on the Elimination of Discrimination against Women recommended that Mali conduct awareness-raising campaigns to eliminate the stigmatization of women seeking recourse through the justice system;[56] and ensure that victims had access to comprehensive medical treatment and psychosocial support.[57] The Independent Expert recommended that the international community continue to provide financial and technical assistance and support to help victims of human rights violations.[58]

33. The Independent Expert noted that the right to free legal assistance was not implemented on the ground.[59]

34. MINUSMA and OHCHR regretted that so little had been done to identify the perpetrators of human rights violations and abuses and to hold them responsible for their acts. They recommended that the appropriate authorities should launch credible investigations immediately and that they should cooperate with international bodies, publicize the outcome of the investigations[60] and ensure that everyone accused of human rights violations or abuses was brought before the courts.[61]

35. In 2013, the High Commissioner recommended that Mali establish a transitional justice mechanism in conformity with international human rights law with the technical support of OHCHR.[62] In 2016, the Independent Expert was concerned that no national consultations had been held before the Commission was established.[63] In 2017, he welcomed the progress made in the field of transitional justice, in particular with the official operationalization of the regional offices of the Justice, Truth and Reconciliation Commission and the commencement of statement-taking.[64] However, he was concerned about the lack of transparency in the negotiations that had led to the appointment of the members, and emphasized that the Commission needed to put in place a more dynamic communications policy.[65] He stressed that the Commission needed sustained technical and financial support.[66] The Independent Expert emphasized that, in order to establish lasting peace, it was necessary to end the impunity surrounding both past and present human rights violations and abuses, and recommended that a strategy be developed to ensure that perpetrators of human rights violations, including State agents, were systematically investigated and prosecuted.[67]

36. The Independent Expert was deeply concerned at the release, as part of the confidence-building measures to support the truce and peace process, of detainees suspected of or formally charged with involvement in serious crimes, including war crimes, terrorist attacks and gross human rights violations.[68] He received information that many of those freed in the north of the country were allegedly perpetrators of crimes against humanity, war crimes or other serious human rights violations.[69] He emphasized that any measure amounting to an amnesty would be contrary to international law and in violation of the commitment made by the parties to the peace agreement.[70]

37. The Independent Expert called on Mali to build on the momentum for institutional reform, especially with regard to justice and the establishment of mobile counselling centres to expedite judicial proceedings for crimes committed in the centre and north of the country.[71]

38. The Independent Expert welcomed the historic trial at the International Criminal Court of Ahmad Al Faqi Al Mahdi, former head of the Islamic morality police, who was found guilty of a war crime for organizing the destruction of religious and historic buildings in Timbuktu in 2012.[72]

3. Fundamental freedoms and the right to participate in public and political life[73]

39. MINUSMA and OHCHR regretted that two journalists from an international radio station had been kidnapped and executed by terrorist groups in the Kidal region in 2013.[74]

40. UNESCO noted that there was no legislation guaranteeing access to information or the confidentiality of journalists' sources.[75] UNESCO encouraged Mali to introduce a freedom of information law and recommended that it decriminalize defamation and place it in a civil code, in accordance with international standards.[76]

4. Prohibition of all forms of slavery[77]

41. The High Commissioner noted that discrimination against certain ethnic and social groups continued, especially in some Tuareg communities that had a caste system and where slavery was still a widespread practice. This was particularly the case for the Bella people.[78]

42. The Independent Expert noted with concern that Tuareg society was composed of clans and a confederation of clans with a rigid hierarchical structure that ensured that

Bellas, the dark-skinned Tuaregs who were still regarded as slaves and who were denied their inherent human rights and dignity, were kept at the bottom of the social scale.[79]

43. The Committee on the Elimination of Discrimination against Women was concerned that girls were exposed to exploitative child labour, including domestic work and begging.[80]

44. The country team deplored the absence of a national programme to combat the sexual exploitation of women and children.[81]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work

45. The Committee on the Elimination of Discrimination against Women remained concerned that women, specifically in rural areas, were concentrated in the informal sector, in non-skilled and low-paid jobs and excluded from social protection. It recommended that Mali ensure the active participation of women in the design and implementation of job creation schemes.[82]

46. The same Committee was concerned that, under the Labour Code, women were prohibited from engaging in certain types of work. It recommended that Mali repeal discriminatory provisions in the Labour Code.[83]

47. The same Committee was also concerned about the persistent gender wage gap and that women were exposed to high unemployment rates and persistent horizontal and vertical segregation in the labour market, in both the public and private sectors. It recommended that Mali implement the principle of equal pay for work of equal value.[84]

48. The International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations urged Mali to take measures to adapt and strengthen the labour inspection services to ensure that children who were not bound by an employment relationship benefit from the protection afforded by its Minimum Age Convention, 1973 (No. 138)[85] and to take the necessary measures to ensure that the overall revision of the Labour Code and its implementing texts took into account the Committee's comments.[86]

2. Right to an adequate standard of living[87]

49. The High Commissioner noted the high level of poverty in Mali, the population's limited access to basic social services and the inequitable distribution of national wealth, particularly from natural resources.[88]

50. The Independent Expert recommended that the Malian authorities take all possible measures to ensure that growth in gross domestic product led to a proportional decrease in the poverty rate.[89]

51. The Independent Expert noted that the food insecurity rate was extremely high, that according to a national review, 25 per cent of the population continued to suffer from food insecurity, and around 500,000 persons were in need of immediate food aid.[90] In addition, many of them faced forced displacements.[91]

52. The Secretary-General stated that, across Mali, the nutritional status of children and women of reproductive age remained a major concern, with 115,000 pregnant or lactating women requiring nutrition assistance and 620,000 children under 5 years of age suffering from acute malnutrition.[92]

53. The country team noted that a national policy paper on food and nutrition security had been prepared in response to a recommendation made in the universal period review. The paper was in the process of being validated/adopted.[93]

54. The Independent Expert had received reports about the shortage of safe drinking water and that 54,000 people in the north of Mali did not have adequate access to drinking water.[94] The Secretary-General stated that about 1.2 million people, the majority of whom

were located in the northern and central regions, had limited access to clean water and sanitation.[95]

55. The Independent Expert stated that serious security threats in the northern and central areas of Mali were putting civilians at risk and hampering their access to basic social services[96]. He stated that theft and attacks on humanitarian workers were having an adverse effect on the provision of humanitarian assistance to the population. He urged the parties to ensure unhindered humanitarian access to the population centres affected and the protection of humanitarian personnel.[97]

3. Right to health[98]

56. The High Commissioner noted that the occupation of the north by armed groups had led to the mass exodus of medical personnel and the destruction of health facilities.[99] The Independent Expert, in turn, noted that health-care workers involved in the polio vaccination campaign had refused to travel to a village in Mopti on account of the lack of security in the area and, in Timbuktu, armed individuals had attacked a health centre and stolen equipment and medicines and an ambulance.[100]

57. The Committee on the Elimination of Discrimination against Women recommended that Mali increase the budgetary allocation to basic health care and sexual and reproductive health-care services, affordable modern contraceptives and family planning services, according priority to women in rural areas, women in conflict-affected areas and women with disabilities.[101]

4. Right to education[102]

58. UNESCO noted that during its second universal periodic review Mali had agreed to improve its education system and access to education, but the gross primary school enrolment rate had fallen from 92 per cent to 83.5 per cent between 2011 and 2013, while at the same time the completion rate had fallen from 62 per cent to 49 per cent.[103]

59. The Secretary-General noted that 501 out of a total of 4,872 schools had been closed in the northern and central regions of the country, with 150,000 children out of school owing to insecurity. The Mopti region had been particularly affected, with 266 schools closed.[104]

60. MINUSMA and OHCHR noted that the problem of school closures had been compounded by the occupation of school premises by armed groups in some areas of northern Mali. They recommended putting an immediate end to the occupation of schools and making a concerted effort to persuade the Malian authorities to reopen the schools.[105]

61. The Committee on the Elimination of Discrimination against Women noted with concern the existence of a parallel education system with Koranic schools that remained outside the purview of the Ministry of Education.[106] It recommended that Mali ensure the alignment of curricula in Koranic schools with those provided nationally and endorsed by the Ministry of Education.[107]

62. UNESCO recommended that Mali take all the necessary measures to guarantee the right to education in emergency and conflict situations and to ensure that education was accessible to all.[108]

63. The Secretary-General stated that intimidation of school officials by armed individuals demanding that strict religious ideology be followed continued to be reported in the central regions.[109]

64. UNESCO also noted that a number of projects had been launched after the Government of Mali had been encouraged to seek the international community's support in strengthening its education system, with the result that progress had been made in the education of girls and women between 2012 and 2014. The gender parity index for completion of primary education had risen from 0.66 to 0.89.[110]

D. Rights of specific persons or groups

1. Women[111]

65. The Committee on the Elimination of Discrimination against Women noted that the efforts made by the authorities to improve the situation of women in Mali had largely been impeded by the instability caused by the occupation of northern and central Mali by radical Islamic groups, inter-ethnic violence and several consequent military interventions since 2012. It also noted the severe continuing impact of the hostilities on women in the north, in particular, and internally displaced women.[112]

66. The same Committee was concerned about sexual violence, including forced and early marriage, sexual slavery, rape and torture, committed against women by the extremist groups and by members of the military, and the resulting impunity for perpetrators.[113]

67. The High Commissioner stated that the OHCHR mission that had visited Mali in November 2012 had collected a significant amount of information on alleged sexual abuse by all the armed groups that were controlling the north. However, the stigmatization of the victims was a major obstacle to their care.[114] During his visit, the Independent Expert had interviewed many victims who had not filed complaints for fear of reprisals or stigmatization, which was another factor that contributed to impunity.[115]

68. The Committee on the Elimination of Discrimination against Women was concerned about the continuing extremely high incidence of female genital mutilation (90 per cent), the increasingly young age at which excision is performed and the impunity of the perpetrators.[116] The country team noted that the abandonment of such harmful practices remained a challenge for Mali and regretted the lack of reliable statistics and detailed studies on gender violence.[117]

69. The Committee on the Elimination of Discrimination against Women recommended that Mali, inter alia, finalize the bill to prohibit female genital mutilation, ensure that the practice was sanctioned and allocate resources to ensure the implementation of the national plan of action to combat female genital mutilation.[118] UNESCO recommended mobilizing the international cooperation that would be needed to run an effective educational and cultural campaign and completely eliminate the practice of female genital mutilation.[119]

70. The Committee on the Elimination of Discrimination against Women expressed concern that harmful practices, such as child and forced marriage, polygamy, humiliating and degrading widowhood practices, force-feeding, levirate and sororate, remained prevalent and unpunished in Mali. It was also concerned that gender-based violence, including domestic and sexual violence, appeared to be socially legitimized and accompanied by a culture of silence and impunity.[120]

71. The same Committee welcomed the adoption of Act No. 2015-052 (2015), instituting measures to promote gender equality in access to nominated and elected positions[121] and the plan of action (2015-2017) on women, peace and security.[122]

72. The country team welcomed the adoption of legislative measures to protect women's rights. However, it believed that there were still gaps in the legislation regarding the protection of women from traditional practices.[123]

73. The Independent Expert recommended that Mali denounce publicly and unequivocally all forms of violence against women, without invoking any custom, tradition or religious consideration to justify or excuse such violence, and investigate and prosecute with due diligence all cases of violence against women in the family or community.[124]

74. The Independent Expert noted that there was still no law on combating gender-based violence[125] and that facilities for victims of conflict-related sexual violence were inadequate, especially in the north.[126]

75. The Committee on the Elimination of Discrimination against Women recommended that Mali expedite the enactment of a law on combating gender-based violence and stop the

practice of referring cases of gender-based violence to mediation, encourage the reporting of incidents of gender-based violence, finalize the related national programme and provide assistance and protection to victims of gender-based violence.[127]

76. The same Committee was concerned that women had consistently been underrepresented at the decision-making level since the beginning of the Algiers process for peace and reconciliation in Mali.[128] It recommended that sufficient resources be allocated to the plan of action for the implementation of Security Council resolution 1325 (2000) to ensure the achievement of its objectives of promoting the meaningful involvement of women at all stages of the stabilization and reconstruction process.[129]

77. The Independent Expert welcomed the Act No. 2015-052 of 18 December 2015, which had introduced measures to promote gender equality in access to elective and appointive posts. He hoped that the decree to bring the Act into force would be adopted soon.[130]

78. While noting the efforts made by Mali in that regard, the Committee on the Elimination of Discrimination against Women was nonetheless concerned about the low representation of women in elected and appointed decision-making positions and that, under the Electoral Act women with disabilities were denied the right to vote.[131] It recommended that Mali repeal article 28 of the Electoral Act and assist women, in particular women who were illiterate and women with disabilities, to obtain the documents required to exercise their right to vote.[132] It also recommended that Mali increase the representation of women in local policymaking and management bodies and in the design and implementation of the national food security strategy.[133]

79. The Independent Expert encouraged Mali to finalize the strategic plan 2016-2018 on the implementation of the national programme for gender equality.[134]

80. The Committee on the Elimination of Discrimination against Women recommended that Mali repeal the legal provision requiring women to obey their husbands and, furthermore, raise the awareness of traditional leaders and especially men of the need to encourage the economic empowerment of women as a poverty alleviation strategy.[135]

2. Children[136]

81. The High Commissioner stated that the OHCHR mission that had visited Mali in November 2012 had collected credible information that indicated that the National Movement for the Liberation of Azawad (MNLA), Al-Qaida in the Islamic Maghreb (AQIM), Ansar Dine and the Movement for Unity and Jihad in West Africa (MUJAO) had recruited and trained children in camps. Following the defeat of MNLA, most of the child soldiers reportedly joined other armed groups.[137]

82. MINUSMA and OHCHR had received reports that children were to be found in the ranks of armed groups, as well as information on their role in the offensives led by such groups.[138]

83. The Independent Expert was informed that recruited children were mainly involved in preparing food, but that they also received military training. Reports also indicated the presence of armed children at checkpoints.[139] He stated that child soldiers with bullet wounds had been recorded in hospitals,[140] that children had been victims of violent clashes between armed groups[141] and that many had been killed or injured by unexploded ordnance or stray bullets.[142]

84. The Independent Expert stated that the risk of sexual violence against children by members of armed groups remained high.[143]

85. The ILO Committee of Experts requested Mali to take measures to end the practice of forced or compulsory recruitment of children under 18 years of age by armed groups and to implement the process of disarmament, demobilization and reintegration of all children associated with armed forces or armed groups in order to ensure their rehabilitation and social integration. It also requested Mali to ensure that perpetrators were prosecuted and penalized.[144]

86. The High Commissioner was concerned about the recruitment of *talibé* children entrusted by their parents to marabouts to receive an Islamic education and, who, in return, were allegedly exploited as beggars. A number of the marabouts who were responsible for the children had fled the north, leaving their pupils at risk of recruitment.[145]

87. The Independent Expert was concerned at the lack of access to safe drinking water and sanitation facilities that put children at risk of life-threatening diseases.[146]

88. The country team said that the Child Protection Code should be amended to take account of the problems related to the protection of children in emergency situations.[147]

89. The country team was concerned that 20 per cent of girls in Mali were married by the age of 15, and 50 per cent by the age of 18.[148]

90. The ILO Committee of Experts urged Mali to take measures to ensure that thorough investigations and robust prosecutions were carried out and sanctions were imposed on marabouts who made use of children under 18 year of age for purely economic purposes.[149]

3. Persons with disabilities

91. The Committee on the Elimination of Discrimination against Women welcomed the adoption of the 10-year strategic plan and plan of action to promote the socioeconomic rights of persons with disabilities.[150] UNESCO recommended that Mali should expedite the adoption of the bill on the rights of persons with disabilities, in line with international standards.[151] The Committee on the Elimination of Discrimination against Women recommended that Mali finalize the law on social protection of persons with disabilities and establish a mechanism to monitor its enforcement.[152]

4. Migrants, refugees, asylum seekers and internally displaced persons

92. In 2017, the Secretary-General noted that localized displacements continued to occur owing to violence in the central regions, increasing the number of internally displaced persons from some 45,800 to approximately 59,000. There were approximately 143,600 Malian refugees in neighbouring countries.[153]

93. The Independent Expert received reports that flows of refugees from Mali continued in a neighbouring country. The refugees attributed their flight to a lack of security in their region of origin, arising from violent crime and terrorist activities.[154]

94. MINUSMA and OHCHR noted a wave of displaced persons following the capture of the town of Kidal by armed groups in 2014. Over 18,000 people, including families, had been displaced as a result of the fighting, out of fear of reprisals or because of threats based on their political views or ethnicity. Likewise, when the town of Aguelhok had fallen to MNLA in 2014, many had fled to neighbouring communes.[155]

95. The country team reported that 32,064 forcibly displaced persons had been recorded in the interior of the country between January and July 2017.[156]

96. The country team noted the measures taken by Mali to protect refugee rights, including measures to improve the reception of returnees and the issuance of birth certificates for refugees.[157]

97. The Independent Expert noted that, months after their displacement, many families had still not received any support from national institutions or the humanitarian community.[158]

98. The Independent Expert also noted that migrants were regularly targeted and attacked while travelling through Mali. For instance, on 21 October 2016, in the region of Gao, a truck carrying 70 migrants had been attacked by unidentified armed persons driving a pickup truck, on the road between Gao and Kidal, beyond Tabankort.[159]

99. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families was concerned by the legislative provisions that imposed prison sentences of between three months and three years on foreign nationals who stayed in Mali without the required permit or after their permit had expired.[160] It recommended that Mali consider decriminalizing irregular migration.[161]

100. The same Committee was concerned by reports that refugees returning to Mali faced limited access to basic services, high unemployment, the risk of arbitrary arrest or detention if they belonged to specific groups and intercommunity tensions.[96] It recommended that Mali arrange for the return of refugees who left the country during the crisis, ensure their safety and the protection of their rights and take steps towards their reintegration into economic, social and cultural life.[97]

8. Stateless persons

101. The country team drew attention to the national strategy to modernize civil registration procedures, which had been validated in 2016 but not yet adopted. Likewise, no specific provisions had been made to facilitate the registration of children whose non-registration was linked to the crisis in the north. The country team was concerned that children without a birth certificate could not sit the examination for the school-leaving qualification.[98]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Mali are available at www.ohchr.org/EN/Countries/AfricaRegion/Pages/MLIndex.aspx.

[2] For relevant recommendations, see A/HRC/23/6, paras. 110.1–110.3, 110.6–110.7, 111.11–111.12 and 112.9.

[3] Rapport de la MINUSMA et du HCDH sur la situation des droits de l'homme au Mali du 1er novembre 2013 au 31 mai 2014.

[4] Namely, the Special Rapporteur on the promotion and protection of human rights while countering terrorism, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the human rights of internally displaced persons, the Special Rapporteur in the field of cultural rights and the Special Rapporteur on the human rights of migrants; United Nations country team submission for the universal periodic review of Mali, pp. 2–3.

[5] See CEDAW/C/MLI/CO/6-7, para. 7.

[6] For relevant recommendations, see A/HRC/23/6, paras. 110.4–110.6, 110.10, 111.1–111.2, 111.4 and 111.6–111.7.

[7] United Nations country team submission, p. 2.

[8] See A/HRC/34/72, para. 36.

[9] United Nations country team submission, p. 3.

[10] See S/2017/478, para. 54.

[11] Ibid., para. 55.

[12] Ibid., para. 59.

[13] Ibid., para. 56.

[14] For relevant recommendations, see A/HRC/23/6, paras. 111.15–111.19, 111.22 and 111.70–111.71.

[15] See CEDAW/C/MLI/CO/6-7, para. 19.

[16] Ibid., para. 43.

[17] Ibid., paras. 12 (b) and (c) and 44 (a).

[18] Ibid., para. 44 (d).

[19] United Nations country team submission, p. 4.

[20] For relevant recommendations, see A/HRC/23/6, paras. 111.21, 111.23–111.92, 111.82 and 111.85.

[21] See A/HRC/31/76, para. 87.

[22] See A/HRC/34/72, para. 41; also A/HRC/31/76, para. 41.

[23] See A/HRC/34/72, para. 31.

[24] For relevant recommendations, see A/HRC/23/6, paras. 111.17–111.23, 111.25–111.24, 111.44, 111.52, 111.85, 112.5, 112.11 and 112.13.

[25] See A/HRC/31/76, para. 13.

[26] See A/HRC/34/72, paras. 7 and 81.

[27] Ibid., para. 83.

[28] See S/2017/478, para. 16.

[29] See A/HRC/34/72, paras. 48 and 51.

[30] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21327&LangID=E.

[31] See A/HRC/34/72, para. 21.

[32] Ibid., para. 53.

[33] Ibid., paras. 55–57.

[34] Ibid., para. 55.

[1] Ibid., paras. 97-98.
[2] See Rapport conjoint de la MINUSMA et du HCDH sur les événements du Pont Blatma les 29 et 31 mai 2015, paras. 4 and 60.
[3] Ibid., para. 56.
[4] See A/HRC/34/72, para. 71.
[5] See CAT/C/MLI/1, paras. 49-50.
[6] See UNESCO submission for the universal periodic review of Mali, para. 10. See also A/HRC/22/33/Add.6, corr.1, paras. 44-45.
[7] See UNESCO submission, para. 23.
[8] For relevant recommendations see, see A/HRC/25/6, paras.111.2-111.7, 111.49-111.55, 111.63-111.65, 112.14 and 112.23-111.27.
[9] See Rapport conjoint de la MINUSMA et du HCDH sur les violations des droits de l'homme et du droit international humanitaire commises lors des événements de Kidal, les 16, 17 et 21 mai 2014, para. 6.
[10] See A/HRC/31/76, para. 31.
[11] See A/HRC/34/72, para. 65.
[12] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21327&LangID=E.
[13] See S/PRST/2014/26, para. 9(6).
[14] United Nations country team submission, p. 2.
[15] See A/HRC/34/72, para. 33.
[16] See A/HRC/31/76, paras. 25 and 27.
[17] United Nations country team submission, p. 2.
[18] See A/HRC/31/76, para. 25.
[19] See A/HRC/34/72, para. 27, and CED/C/MLI/CO/1/Add.1, para. 24.
[20] See A/HRC/34/72, paras. 25 and 26.
[21] Ibid., para. 89 (a).
[22] See CED/C/MLI/CO/1/Add.1, para. 14.
[23] Ibid., para. 24 (c).
[24] See A/HRC/34/72, para. 90 (c).
[25] See A/HRC/31/76, para. 72.
[26] Rapport conjoint de la MINUSMA et du HCDH sur les violations des droits de l'homme et du droit international humanitaire commises lors des événements de Kidal, les 16, 17 et 21 mai 2014, p. 2.
[27] Ibid., p. 26.
[28] See A/HRC/23/57, para. 69 (d).
[29] See A/HRC/31/76, para. 33.
[30] See A/HRC/34/72, para. 34.
[31] Ibid., para. 34.
[32] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21327&LangID=E.
[33] See A/HRC/34/72, para. 64.
[34] See A/HRC/31/76, paras. 27-28.
[35] See A/HRC/34/72, para. 29.
[36] See A/HRC/31/76, para. 29.
[37] Ibid., para. 89.
[38] See A/HRC/34/72, para. 37.
[39] For relevant recommendations, see A/HRC/25/6, paras. 111.65-111.66, and 111.69.
[40] Rapport de la MINUSMA et du HCDH sur la situation des droits de l'homme au Mali du 1er novembre 2013 au 31 mai 2014.
[41] See UNESCO submission, para. 5.
[42] Ibid., paras. 20-21.
[43] For relevant recommendations, see A/HRC/25/6, paras. 111.37-111.38.
[44] See A/HRC/22/33 and Corr.1, para. 17.
[45] See A/HRC/25/72, para. 63.
[46] See CED/C/MLI/CO/1/Add.1, para. 11.
[47] United Nations country team submission, p. 7.
[48] See CED/C/MLI/CO/1/Add.1, paras. 31 and 32 (b).
[49] Ibid., paras. 31 and 32 (a).
[50] Ibid., paras. 31 and 32 (d).
[51] See www.ilo.org/dyn/normlex/fr/f?p=NORMLEXPUB:11001:0::NO::P11001_COUNTRY_ID:102691,fr.
[52] See www.ilo.org/dyn/normlex/fr/f?p=NORMLEXPUB:11001:0::NO::P11001_COUNTRY_ID:102691,fr.
[53] For relevant recommendations, see A/HRC/25/6, paras. 111.55-111.56 and 111.59.
[54] See A/HRC/22/33 and Corr.1, para. 15.

[87] See A/HRC/34/72, para. 88 (c).
[88] Ibid., para. 77.
[89] See A/HRC/31/56, para. 79.
[90] See S/2017/478, para. 34.
[91] United Nations country team submission, p. 6.
[92] See A/HRC/31/56, para. 79.
[93] See S/2017/478, para. 36.
[94] See www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=21327&LangID=F.
[95] Ibid.
[96] For relevant recommendations, see A/HRC/23/8, paras. 111.75 and 111.77.
[97] See A/HRC/22/53 and Corr.1, para. 40.
[98] See A/HRC/34/72, para. 68 and 76.
[99] See CED/C/8/MLI/CO/1-7, para. 34 (a).
[100] For relevant recommendations, see A/HRC/23/8, paras. 111.78-111.81.
[101] See UNESCO submission, para. 14.
[102] See S/2017/478, para. 35.
[103] Rapport conjoint de la MINUSMA et du HCDH sur les violations des droits de l'homme et du droit international humanitaire commis lors des événements de Kidal, les 16, 17 et 21 mai 2014, p. 27.
[104] See CED/C/8/MLI/CO/1-7, para. 29.
[105] Ibid., para. 30 (d).
[106] See UNESCO submission, p. 6, recommendation 4.
[107] See S/2017/478, para. 23.
[108] See UNESCO submission, paras. 15-16.
[109] For relevant recommendations, see A/HRC/23/8, paras. 111.13-111.16, 112.25-111.32, 111.48, 111.50, 111.70-111.71, 112.6-112.7, 112.19, 112.20 and 113.1.
[110] See CED/C/8/MLI/CO/1-7, para. 7.
[111] Ibid., para. 23.
[112] See A/HRC/22/53 and Corr.1, para. 34.
[113] See A/HRC/34/72, para. 60.
[114] See CED/C/8/MLI/CO/1-7, para. 21.
[115] United Nations country team submission, p. 4.
[116] See CED/C/8/MLI/CO/1-7, para. 22.
[117] See UNESCO submission, p. 4, para. 111.93.
[118] See CED/C/8/MLI/CO/1-7, para. 19.
[119] Ibid., para. 8 (a).
[120] Ibid., para. 9 (a).
[121] United Nations country team submission, p. 3.
[122] See A/HRC/31/56, 92 (d).
[123] See A/HRC/34/72, para. 62.
[124] Ibid., para. 63.
[125] See CED/C/8/MLI/CO/1-7, para. 20.
[126] Ibid., para. 9.
[127] Ibid., para. 10.
[128] See A/HRC/34/72, para. 63.
[129] See CED/C/8/MLI/CO/1-7, para. 27.
[130] Ibid., para. 28.
[131] Ibid., para. 38.
[132] See A/HRC/34/72, para. 67.
[133] See CED/C/8/MLI/CO/1-7, para. 36.
[134] For relevant recommendations, see A/HRC/23/8, paras. 111.33-111.36, 111.39-111.42, 112.21.
[135] See A/HRC/22/53 and Corr.1, para. 28.
[136] See Rapport conjoint de la MINUSMA et du HCDH sur les violations des droits de l'homme et du droit international humanitaire commis lors des événements de Kidal, les 16, 17 et 21 mai 2014, paras. 64-65.
[137] See A/HRC/31/56, para. 68.
[138] See A/HRC/34/72, para. 67.
[139] See A/HRC/31/56, para. 67.
[140] See A/HRC/34/72, para. 66.
[141] See A/HRC/31/56, para. 69.
[142] See www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3245461.
[143] See A/HRC/22/53 and Corr.1, para. 30.
[144] See A/HRC/31/56, para. 70.
[145] United Nations country team submission, p. 5.

[148] Ibid., p. 3.
[149] See www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3245461.
[150] See CEDAW/C/MLI/CO/6-7, para. 39.
[151] See UNESCO submission, p. 6, recommendation 1.
[152] See CEDAW/C/MLI/CO/6-7, para. 40 (a).
[153] See S/2017/478, para. 37.
[154] See A/HRC/34/72, para. 74.
[155] Rapport conjoint de la MINUSMA et du HCDH sur les violations des droits de l'homme et du droit international humanitaire commis lors des événements de Kidal, les 16, 17 et 21 mai 2014, para. 97.
[156] United Nations country team submission, p. 8.
[157] Ibid., p. 7.
[158] See A/HRC/34/72, para. 75.
[159] Ibid., para. 76.
[160] See CMW/C/MLI/CO/2, para. 20.
[161] Ibid., para. 21 (b).
[162] Ibid., para. 44.
[163] Ibid., para. 45.
[164] United Nations country team submission, p. 5.